

**From:** [khernandez2@vzw.blackberry.net](mailto:khernandez2@vzw.blackberry.net)  
**To:** [Diane Foster](#)  
**Cc:** [Mia Bearley](#); [Maureen O'Reilly](#); [Kerry Gee](#); [Kathryn Hernandez](#)  
**Subject:** Re: Request for documentation  
**Date:** Wednesday, May 26, 2010 6:29:57 PM

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Park City is not authorized to take any non-CERCLA waste to Richardson. UPCM is working on the summary of waste that has been accepted at Richardson from Park City. I am out of the office until next Tuesday. I will be glad to work with you, as we stated last year, in selecting a new repository site on Park City property.

Kathryn Hernandez  
EPA RPM

Sent from my Verizon Wireless BlackBerry

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**From:** "Diane Foster" <[Diane.Foster@parkcity.org](mailto:Diane.Foster@parkcity.org)>  
**Date:** Wed, 26 May 2010 16:33:24 -0600  
**To:** <[Hernandez.Kathryn@epamail.epa.gov](mailto:Hernandez.Kathryn@epamail.epa.gov)>; <[hernandez.kathryn@epa.gov](mailto:hernandez.kathryn@epa.gov)>  
**Subject:** Request for documentation

Good Afternoon Kathy –

On May 11, 2010 you sent a memo to United Park City Mines where you stated "Volumes documented and approved by EPA in the July 2, 2007 letter from Park City have been delivered to Richardson Flat Repository (101,920 cu/yds) and no additional material from Park City Municipal Corporation should be accepted."

Our records indicate we have only completed projects that would have delivered a maximum of 65,912 cubic yards, leaving 36,008 cubic yards not yet delivered to the Repository. Furthermore, the 65,912 cubic yard figure is the maximum delivered. We believe we have actually hauled less than that amount, however, our request to UPCM for repository records has gone unanswered.

Therefore, we request that you rescind the memo you sent to UPCM on May 11, 2010 and allow Park City Municipal to haul soils from the federally-funded public transit maintenance facility (Ironhorse) project immediately. Your actions have nearly shut down that project and that is costing the taxpayers thousands of dollars each day.

Additionally, could you please send me the documentation on which you base the statement that Park City has already delivered the volumes?

Thank you for your assistance in this matter.

Diane Foster

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**From:** [khernandez2@vzw.blackberry.net](mailto:khernandez2@vzw.blackberry.net) [<mailto:khernandez2@vzw.blackberry.net>]  
**Sent:** Tuesday, May 18, 2010 4:48 PM  
**To:** Diane Foster  
**Cc:** Kathryn Hernandez  
**Subject:** Re: Confirmation of receipt of letter and other communications

I am on Agency travel until 5/27. Our team will prepare a letter to reiterate our response when I return.

Kathryn Hernandez

Sent from my Verizon Wireless BlackBerry

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**From:** "Diane Foster" <Diane.Foster@parkcity.org>  
**Date:** Tue, 18 May 2010 16:21:39 -0600  
**To:** <Hernandez.Kathryn@epamail.epa.gov>; <hernandez.kathryn@epa.gov>  
**Cc:** Tom Bakaly<tom@parkcity.org>  
**Subject:** Confirmation of receipt of letter and other communications

Hello Kathy –

We have not yet heard back from you on the letter we sent to you on Thursday, April 13 that we sent to you via email on the 13<sup>th</sup> and also sent via regular mail. You also have not responded to messages that I left on your office phone and cell phone and the email, below, that I sent to you on Friday, May 14. You have also not responded to the voicemail that our City Manager, Tom Bakaly, left for your yesterday on your cell phone.

Not receiving response is further delaying our Public Works Iron Horse Facility Project.

We would appreciate receiving both acknowledgement of our communication and a response.

Thank you.

Diane

**From:** Diane Foster  
**Sent:** Friday, May 14, 2010 4:19 PM  
**To:** 'Hernandez.Kathryn@epamail.epa.gov'; 'hernandez.kathryn@epa.gov'  
**Subject:** Confirmation of receipt of the letter we sent yesterday via email

Hey Kathy –

I just left you voicemail with this same message. I wanted to confirm that you received our letter via email yesterday.

Could you confirm that you received that?

Thank you.

Diane

**Congress of the United States**  
**Washington, DC 20515**

June 1, 2010

Mr. James Martin  
Regional Administrator  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202 - 1129

Dear Administrator Martin,

Park City is in the process of expanding its public transit facility which requires the removal of mine waste from the construction site to an appropriate storage facility. According to Park City's records, in 2007 EPA Region 8 approved the future hauling of 34,000 cubic yards of mine waste from this public transit site to the EPA-approved repository at Richardson Flat. Recently Park City's access to the repository was halted terminating its ability to haul the approved soils from the public transit site.

It is my understanding, based on communications between our offices and your staff that access to the repository was halted based on the belief that Park City exceeded the city's total allocation of 101,920 cubic yards authorized in July 2007 for multiple projects, which included the 34,000 cubic yards for the public transit site. Park City disputes this claim and argues their total usage is considerably lower.

The mine waste is currently sitting on the transit facility site and will eventually shut down construction until the waste can be removed, and the Richardson Flat repository appears to be the only feasible dumping facility. Shutting down the project will cost the city money and put people out of work. We hope this can be avoided.

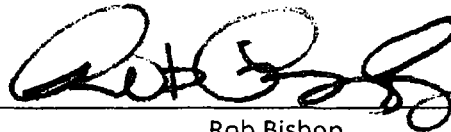
We are requesting that you and any appropriate EPA staff meet with Dana Williams, Liza Simpson, Tom Bakaly, Mark Harrington and Diane Foster from Park City. The meeting will allow the EPA and Park City to work out any record discrepancies as well as craft a solution to the current embargo.

If either of our offices can be of assistance to facilitate this meeting please contact our offices. Diane Foster with Park City will be the contact to arrange a meeting. She can be reached at 435-615-5151.

Sincerely,



Robert F. Bennett  
United States Senator



Rob Bishop  
Member of Congress